

WASHINGTON STATE BOARD OF HEALTH

Date: November 9, 2020

To: Washington State Board of Health Members

From: Keith Grellner, Board Chair

Subject: Update—Keeping of Animals, WAC 246-203-130

Background and Summary:

Among other powers and duties, RCW 43.20.050 charges the State Board of Health (Board) with authority to “adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains.” With language now dating back nearly a century, the Board’s rule on Keeping of Animals, WAC 246-203-130, serves as its cornerstone rule on animal excreta. Please note that draft revisions to this longstanding rule include a draft title change from Keeping of Animals to Domestic Animal Waste.

The Board filed a CR-101, Preproposal Statement of Inquiry, in 2009 to consider revisions to the rule. For several reasons, work on the rule stalled in the ensuing years. In 2018, staff completed a background report to help reset and restart the rulemaking. Research, rule writing, and stakeholder outreach helped produce early drafts in 2019. The Board also filed a new CR-101 in late 2019 to better reflect Board policy direction for the project. In early 2020 staff circulated a formal draft of the rule for public review and comment.

Today’s update by staff will describe work in recent months processing and cataloguing comments on the public review draft, analyzing issues, and revising rule language in response to the extensive and often contrasting feedback on the public review draft.

Staff briefed the Board’s Environmental Health committee on October 21, 2020 to discuss the most recent revisions to the draft rule and next steps with the project. In addition to giving feedback and direction on the rulemaking, the committee agreed to recommend to the Board that we direct staff to finalize the DRAFT rule language based on today’s discussion, move to the next phase in this rulemaking, and file a CR-102, Proposed Rulemaking. Based on the Board’s decision today, staff would begin development a CR-102, conduct any necessary rule analyses, and initiate formal public comment on the proposal. The Board would consider the proposed rule at an official public rules hearing, which could include consideration of amendments.

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt the following motion:

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The Board directs staff to finalize draft revisions to WAC 246-203-130, Keeping of Animals, based on today's discussion and begin developing a CR-102, Proposed Rulemaking and any required analyses for filing with the Code Reviser.

Staff

Stuart Glasoe

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at kelie.kahler@sboh.wa.gov. TTY users can dial 711.

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